

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CR74

UNITED STATES OF AMERICA,)
)
 v.)
)
 HOWELL W. WOLTZ)
)

ORDER

THIS MATTER is before the Court on defendant's motions for removal of judge for bias pursuant to 28 U.S.C. § 144 and for entry of default and default judgment. (Doc. Nos. 317, 324, 326.) The Court has previously considered, and rejected, in conjunction with defendant's motion for recusal under 28 U.S.C. § 455 in his habeas corpus proceeding the same arguments defendant now asserts. See Woltz v. United States, No. 3:08-CV-438 (W.D.N.C. Jan. 20, 2010). For the reasons stated in the court's previous order, defendant's motion for removal will be denied.

Defendant moves for entry of default and default judgment based on the Government's failure to respond to the motion for removal. As the Court previously recognized in defendant's habeas corpus proceeding, the Government is not required to respond to any motion unless so ordered, and, in any event, its failure to respond to a motion does not automatically entitle defendant to relief. Woltz v. United States, No. 3:08-CV-438 (W.D.N.C. Nov. 8, 2010.)

Defendant's motions for removal of judge, for entry of default, and for default judgment are DENIED.

This 12 July 2013.



W. Earl Britt
Senior U.S. District Judge